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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA and No. 2:04-cv-01955-MCE-PAN
12 the STATE OF CALIFORNIA
13 ex rel. MIKE STIERLI,

14 Relator Plaintiff,

15 v. ORDER

16 SHASTA SERVICES INC. dba
17 TIMBERWORKS; and DOES 1
18 through 50, inclusive,

19 *Qui Tam* Defendants.
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22 Defendant Shasta Services Inc. dba Timberworks
23 ("Timberworks") as the prevailing party in this litigation, has
24 filed a Bill of Costs, pursuant to 28 U.S.C. § 1920, in the
25 amount of \$4,902.97. *Qui Tam* Plaintiff Mike Stierli
26 ("Plaintiff") has objected to certain portions of that costs
27 bill.
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1 Under Federal Rule of Civil Procedure 54(d), the prevailing
2 party in a lawsuit may recover its costs "unless the court
3 otherwise directs". As this language suggests, the ultimate
4 decision on whether to award costs is a matter within the court's
5 discretion. Association of Mexican-American Educators v. State
6 of Calif., 231 F.3d 572, 591-92 (9th Cir. 2000). If the court
7 declines to award costs as requested by the prevailing party,
8 however, it should specify its reasons for doing so. Berkla v.
9 Corel Corp., 302 F.3d 909, 921 (9th Cir. 2002).

10 Plaintiff has disputed a total of \$3,095.75 in claimed costs
11 and argues that only \$1,807.22 in costs may appropriately be
12 awarded. The largest disputed item concerns \$2,578.85 incurred
13 for online legal research. Those costs will be disallowed since
14 the expense of computerized legal research are properly deemed as
15 a component of the attorney's fee rather than a reimbursable cost
16 under the purview of 28 U.S.C. § 1920. See Invessys Inc. v.
17 McGraw-Hill Cos., Ltd., 369 F.3d 16, 22-23 (1st Cir. 2004). The
18 Court will also not authorize postage fees of \$137.58 and courier
19 charges of \$72.65 for picking up certain documents. Neither mail
20 nor courier fees can properly be taxed. See El-Fadl v. Central
21 Bank of Jordan, 163 F.R.D. 389, 390 (D.D.C. 1995).

22 With respect to the \$75.06 claimed for the costs of a color
23 display board, Timberworks has not demonstrated that that exhibit
24 was necessarily obtained for use at trial. Such necessity must
25 be established. Allison v. Bank One-Denver, 289 F.3d 1223, 1249
26 (10th Cir. 2002).

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1 The final disputed costs item consists of \$231.60 in travel
2 related costs incurred by Timberworks attorneys George Vogt, Jr.
3 and Marcus Turner. Although Timberworks does not specify for
4 what reason these particular costs were incurred, it is well
5 established that an attorney's expenses in attending both
6 depositions and other court proceedings are not recoverable as
7 costs. Wahl v. Carrier Mfg.. Co., Inc., 511 F.2d 209, 217 (7th
8 Cir. 1975).

9 Given the foregoing, costs are taxed in favor of Timberworks
10 in the sum of \$1,807.22.

11 IT IS SO ORDERED.

12 Dated: May 22, 2007

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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